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DAVID LEWIS  
SUITE 200B  
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SAN JOSE, CA 95126

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OFFICE OF PETITIONS

In re Application of :  
Michael Fiske :  
Application No. 10/791,249 :  
Filed: March 2, 2004 :  
Attorney Docket No. 11-2 :  
DECISION ON PETITION  
UNDER 37 CFR 1.137(b)

This is a decision on the petition, filed July 31, 2006, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. See 37 CFR 1.137(f).

The petition is **DISMISSED AS MOOT** in view of the request filed August 4, 2006 requesting withdrawal of the petition under 37 CFR 1.137(b).

In view of the withdrawal of the petition to revive, petitioner is advised that no consideration has been given on the merits of either the petition to revive or the reasons for requesting withdrawal of the petition to revive.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing, which sets forth the projected publication date of November 16, 2006, was mailed on August 7, 2006.

As requested, the \$750 petition fee will be refunded to petitioner's deposit account in due course. Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

*Frances Hicks*  
Frances Hicks

Petitions Examiner  
Office of Petitions